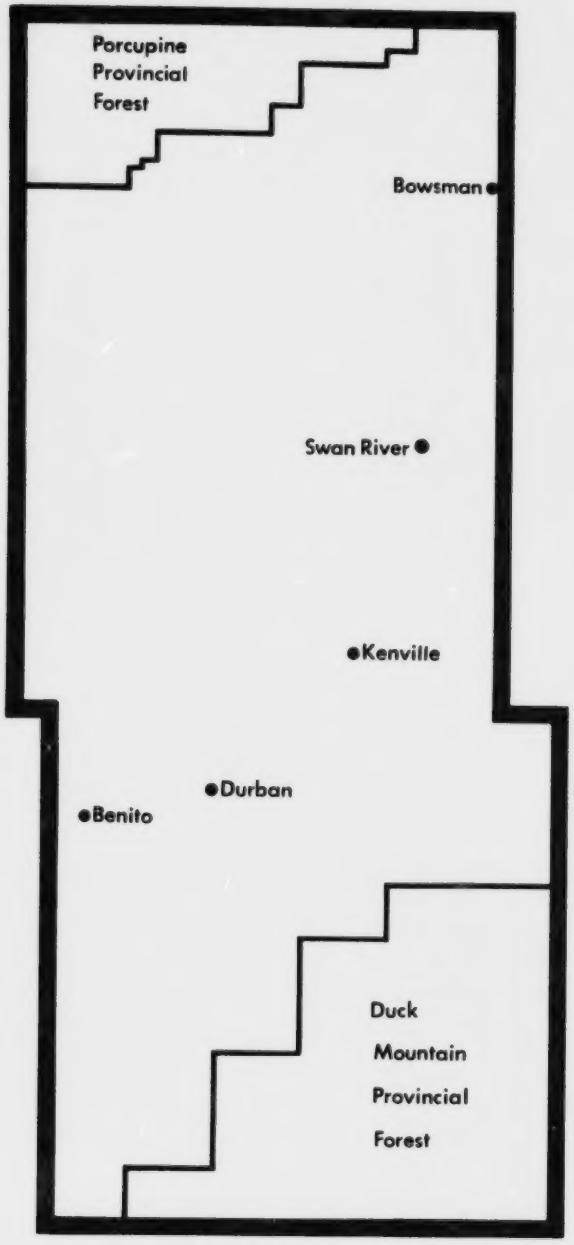


# RURAL MUNICIPALITY OF SWAN RIVER

# DEVELOPMENT PLAN

**DEVELOPMENT PLAN**
BY-LAW No. 2132 APPROVED BY
O.I.C. No. 942/85 DATED _____
EFFECTIVE DATE AUGUST 7/85

# THE RURAL MUNICIPALITY OF

# SWAN RIVER

# DEVELOPMENT PLAN

Prepared by
Municipal Planning Branch
Department of Municipal Affairs
June 1983
for
The Rural Municipality of
Swan River

BY-LAW NO. 2132

THE RURAL MUNICIPALITY OF SWAN RIVER

PROVINCE OF MANITOBA

BEING A BY-LAW of The Rural Municipality of Swan River to adopt a Development Plan.

WHEREAS Section 26(1) of The Planning Act provides authority for preparation of a development Plan.

AND WHEREAS Section 30(1) of said Planning Act provides authority for adoption of a development plan by by-law.

NOW THEREFORE the Council of The Rural Municipality of Swan River in meeting assembled enacts as follows:

1. THAT The Rural Municipality of Swan River Development Plan attached hereto and marked Schedule "A" is hereby adopted.

DONE AND PASSED IN COUNCIL duly assembled this 11th day of June 1985.

H. L. Ellingson
Reeve

W. E. Pico
Secretary-Treasurer

READ A FIRST TIME this 9th day of August A.D. 1983.

READ A SECOND TIME this 24th day of July A.D. 1984.

READ A THIRD TIME this 11th day of June A.D. 1985.

I, Winnifred E. Pico, Secretary-Treasurer of The Rural Municipality of Swan River, DO HEREBY CERTIFY the above to be a true and correct copy of By-Law No. 2132.

W. E. Pico
Secretary-Treasurer

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## GLOSSARY OF TERMS

1. Aggregate: Sand and gravel or crushed rock.

2. Agro-Commercial: The sale of goods and services which are directly related and complimentary to local agricultural production, which do not require a level of services typically provided in an urban area and which may be unsafe or otherwise unsuitable for location in an urban area.

3. Aquifer: A water bearing layer of permeable rock, sand or gravel.

4. Buffer Zone: An area of land intended to separate one land use activity from another.

5. Building: Includes any well, pipe line, excavation, cut, fill, transmission line, or other erection or structure, or any part thereof, and also includes any addition to or extension of a building and any chattel that is attached to any structure or land or that is installed therein or thereon.

6. Compatible Land Use: Land use activities which are able to co-exist without creating undesirable effects or interferences.

7. Conditional Use: The use of land or building which may be permitted in any particular zoning district, provided the conditions of Council can be met.

8. Council: Means the Council of the Rural Municipality of Swan River.

9. Crown Land: Provincially owned land which is administered under "The Crown Lands Act", "The Forest Act, "The Wildlife Act", "The Fisheries Act" or "The Park Lands Act".

10. Deer Wintering Area: The area of land as defined by the Department of Natural Resources for protection of the white-tailed deer.

11. Development: Means the carrying out of construction, erection or placing of any building or excavation or other operation on, over or under land; or the making of any change in the use or intensity of use of any land or buildings or premises.

12. Erosion: The process by which the earth's surface is worn away by the action of wind or water.

13. Farmstead: The land area previously or presently used by a farm operator for residence, animal shelters, or other building used for farm operation, normally in a single cluster and within a shelterbelt.

14. Full Range Of Farming Operations: Any farming activity within the laws of the Province of Manitoba including all types and sizes of farming fields, and livestock and poultry production operations.

15. Groundwater Pollution Hazard Area: The area(s) where the carbonate rock or sand and gravel are at or near ground surface as defined by Water Resources Branch, Dept. of Natural Resources.

16. Habitat: The soil, food, water and cover components of the natural environment that are necessary to sustain wildlife or exotic animals; and the spawning grounds and nursery, rearing, food supply and migration area on which fish depend, directly or indirectly, in order to carry out their life processes.

17. Land Subject to Flooding: All lands subject to flooding by the 100 year flood, a recorded flood exceeding the 100 year flood, or a flood specified by the Water Resources Division in areas protected by flood control works.

18. Livestock Operation: This is an operation where cattle, swine, horses, poultry, sheep, rabbits or similar animals not kept for pets, are confined, fed and raised, but does not include operations for the slaughter, processing, grading, packing or auctioning of livestock.

19. Lower Class Agricultural Lands: Land defined as Classes 4, 5 and 6 by the agricultural land capability system of the Canada Land Inventory and interpreted as such by the Soil Survey, Manitoba Department of Agriculture which are not prime agriculture lands, but are either used for agriculture or have the potential for being used for agriculture.

20. Major Provincial Highways: Those limited access highways which have been so designated by the Department of Highways and Transportation on the basis of their importance as regional, provincial, interprovincial or international carriers. Unless the Highway Traffic Board declares otherwise by regulation, all provincial trunk highways (also some provincial roads) have limited access status under "The Highways Protection Act".

21. Ordinary High Water Mark: The highest level of water that normally occurs; the occurrence of said level being so common as to mark on the soil a character distinct from that of the bank, with respect to vegetation.

22. Prime Agricultural Land: Land defined as Classes 1, 2 and 3 soils by the agricultural land capability system of the Canada Land Inventory and interpreted as such by the Soil Survey, Manitoba Department of Agriculture.

23. Provincial Highway System: Any provincial trunk highway and provincial roads which have been so declared under The Highways Department Act.

24. Recreation Development: Any development, whether intensive or extensive which facilitates recreation in a special area e.g. campground development, trails, cottages, etc.

25. Rural Residential Development: The establishment of rural non-farm residences on small acreage lots excluding cottages or resort type development and where the residence is the main use of the lot or parcel.

26. Rural Settlement Centre: Means a concentration of residential development of a size and density which creates a recognizable community.

27. Shoreland: Land within 1,000 feet of the ordinary high water mark of a lake, sea or inlet thereof; or land within 300 feet of the ordinary high water mark of a river, stream, watercourse, creek, spring or other body of water.

28. Specialized Agriculture: Farming activities intensively utilizing a small parcel of land, such as: apiculture, market gardening, intensive livestock production operations, horticulture and the like.

29. Strip Development: Any development which contributes to the evolution of a row of lots of relatively small holdings (with highway frontage less that 500 feet each, for example), all relying on direct access connections to the adjoining highway for servicing.

30. Suitable Land: Land of such an acreage and having such a nature, as to be able to support the proposed development or land use at the intended intensity of use.

31. Ungulates: Any of a group consisting of the hoofed mammals, nearly all exclusively herbivorous and many having horns such as: white-tailed deer, mule deer, elk, moose and caribou.

32. Use: The purpose for which a building, another structure or a parcel of land may be designed, arranged, intended, maintained, or occupied; or any activity, occupation, business or operation carried on, or intended to be carried on, in a building, another structure, or a parcel of land.

# Part I

# GENERAL INTRODUCTION

## "PART I" - GENERAL INTRODUCTION

A Development Plan is a statement of the Municipality's goals, aims and policies adopted for the future development of the Municipality. It is a planning document prepared in consultation with various government departments as well as adjoining municipalities.

The Development Plan provides the opportunity for the Municipality to identify issues and problems related to overall and specific developments and to develop appropriate solutions. Moreover, there is ample room within the Development Plan review process to encourage and permit the Rural Municipality to make adjustments to policies and proposals that may require modifications because of new or anticipated conditions.

It should be emphasized that there is provision within the Development Plan process for on-going review through periodic re-evaluation and revision to the Development Plan so as to meet the pressures created by constant change.

SECTION ONE - PURPOSES OF DEVELOPMENT PLAN

The main purpose of a Development Plan is to provide land use objectives and a set of policies which will apply to the development of lands within the Municipality. Section 27, subsection (1) of The Planning Act (S.M. 1975, C. 29 - Chap. P80) lists the purposes of a Development Plan as follows:

"(a) to serve as a framework whereby the district or the municipality and the community as a whole may be guided in formulating development policies and decisions;

(b) to identify the factors relevant to the use and development of land;

(c) to identify the critical problems and opportunities concerning the development of land and the social, environmental and economic effects thereof;

(d) to set forth the desired timing, patterns and characteristics of future development of land and to determine the probable social, environmental and economic consequences thereof;

(e) to establish and specify the programs and actions necessary for the implementation of the development plan;

(f) to outline the methods whereby the best use and development of land and other resources in adjacent municipalities, districts, or affected areas immediately abutting thereto, may be co-ordinated;

(g) to identify those matters of government concerns which affect the use

and development of land and other resources within the district or the municipality."

The Development Plan deals with identified planning issues related to agriculture, rural residential, rural settlement centres, fringe development around major towns and villages, natural and cultural resources as well as rural transportation and utilities.

This plan will aid Council in seeking the best accommodation among conflicting land uses and development issues by establishing overall guidelines on which to base day-to-day decisions. However, where the development plan does not deal with a particular strategy for a given situation, alternatives should be developed within the framework of the policies and objectives.

## SECTION TWO - EFFECT OF THE ADOPTION OF A DEVELOPMENT PLAN

Although the Development Plan establishes general goals and objectives for community development and changes in land use, the Municipal Council need not immediately implement the stated policies and proposals toward those general objectives. However, any action that Council proceeds with must be consistent with the provisions of the plan as outlined in section 34 (1) and (2) of The Planning Act:

> "The adoption of a development plan does not require the board of a district or the council of a municipality to undertake any proposal therein suggested or outlined; but no undertaking or development within the area affected by the development plan shall be carried out that is inconsistent or at variance with the proposals or policies set out in the development plan.
>
> Upon the adoption of a development plan the council of the municipality shall:
>
> (a) proceed forthwith to draft a zoning by-law to carry out the intent of the plan, and;
>
> (b) enact the by-law within
>
> (i) 6 months, or
>
> (ii) such longer period of time as the minister, after consultation with the district or municipality, may decide."

## SECTION THREE - GENERAL GOALS OF THE DEVELOPMENT PLAN

The following are the broad goals:

1. (a) enhancing a high standard of land use planning through orderly and efficient development objectives and practices;

   (b) ensuring that land is used in accordance with the land capability to accommodate the intended use in a manner which most effectively meets the residents in the Municipality;

   (c) ensuring that land use decisions recognize that protection of the health, safety and general welfare of the residents will be paramount in all land use and planning decisions.

More specifically the goals of this Development Plan include:

2. (a) to continue the dominance of agriculture and to properly plan for non-farm land uses, thereby avoiding potential conflicts and ensuring that proposed land uses are compatible with existing adjacent agricultural uses.

   (b) to maintain the character and viability of the Municipality's rural settlement centres by attempting to direct to them, appropriate rural residential land uses thereby strengthening their residential roles.

   (c) to enhance and protect other resources in the Municipality including important aggregate deposits, groundwater and surface water resources, critical wildlife and fishery habitat and prime historical or recreational areas.

(d) to avoid natural hazards to people and property such as may be created by flooding and to discourage practices which may result in soil erosion or pollution of soil, water and air.

(e) to achieve a planned and co-ordinated use of land in the fringe areas surrounding the Town of Swan River and the Village of Benito.

(f) to accommodate a limited amount of rural small parcel development.

## SECTION FOUR - INTERPRETATION OF REQUIREMENTS

The lot size, area, distance requirements where mentioned in the Development Plan are intended to serve as guidelines only. Certain situations will necessitate a degree of flexibility in the application of these standards, providing it complies with the intent of the Development Plan.

# Part II

# RURAL AND AGRICULTURE

## "PART II" - RURAL AND AGRICULTURE

### SECTION ONE - AGRICULTURE AND RURAL DEVELOPMENT AREA

#### A. FINDINGS

1. The Rural Municipality of Swan River is primarily oriented towards an agricultural and related resource base.

2. The Rural Municipality of Swan River has the following agricultural land resources as classified by the Canada Land Inventory:

   a) Classes 1, 2 and 3 soils comprise 70.4% of the classified land, that is able to support intensive crop production.

   b) Classes 4, 5 and 6 soils comprise 22.9% which are well suited for livestock and mixed farm production.

   c) Organic and otherwise unclassified soils comprise the remainder.

3. Because some of the best agricultural soils occur on steeply rolling topography and are consequently erosion prone, soil conservation measures should be encouraged on such soils.

4. Present trends in agriculture of significance to land use planning include:

   a) farm consolidation as improved technology and mechanization make it feasible to economically work large tracts of land.

   b) the evolution of large scale livestock feedlots, hog barns and poultry operations which are presently scattered throughout the Municipality.

c) the need for maintaining flexibility in rural areas for farm diversification.

5. The large scale livestock producing units are raising environmental issues of concern in regards to waste management disposal, odours and health to nearby farm and non-farm residences. In addition, these large operations require protection from encroachment by certain land uses including residential.

6. The development of small parcels for non-farm uses in a farming area has the potential to increase land values and otherwise interfere with normal farm operations and practices. To date this has not developed into a major problem as fragmentation of farmlands within the Municipality has been light and scattered. The majority of the quarters remain unsplit except for the fringe areas surrounding the Town of Swan River and the Village of Benito.

7. Unplanned non-farm development can cause increased demand for services such as road construction and maintenance, policy and fire protection and school bussing.

B. OBJECTIVES

1. To protect and ensure the continued development of agriculture as the primary land use in the Municipality by maintaining prime agricultural lands and lower class lands where farming is dominant or has the potential for crop production and different types of mixed farming enterprises, including livestock production.

2. To protect agricultural lands and activities from encroachment and fragmentation by non-farm uses.

3. To prevent the development of obnoxious agricultural uses in close proximity to the settlement centres and existing or designated rural residential areas by establishing a buffer to control the above uses.

4. To minimize the hazard of pollution of water, soil and air while at the same time maintain or increase livestock production.

5. To encourage a conservational land use practice on erosion-prone soils in order to protect the land resource and minimize flooding and siltation of streams and drains.

6. To accommodate a limited amount of small holding, non-farm development in such a manner as to minimize any adverse effects on the agricultural community, other resource developments such as recreation areas, aggregate deposits, significant wildlife areas, etc. and adjacent settlement centres.

## C. POLICIES

Policies for the agricultural area in the Rural Municipality of Swan River can be divided into two categories: land use policies and land division policies as follows:

### 1. LAND USE POLICIES

(a) In order that the Municipality's agricultural interests best be protected, a major proportion of the area shall be preserved for unrestricted agriculture, allowing for a full range of commercial farming operations including:

i) those lands where agriculture is in the dominant position on prime agricultural land (classes 1, 2 and 3 (C.L.I.) soils).

ii) lands where agricultural activities are dominant or could be viable on the lower class lands.

(b) Certain land uses such as livestock production operations may have a detrimental impact on adjacent uses with respect to odour, noise, surface and groundwater pollution. Buffer zones shall be established in order that adjacent developments such as urban and rural settlement centres and rural residences be protected from these adverse effects. Within these buffer zones, livestock production operations shall deem to be conditional uses in the zoning by-law.

(c) Certain agro-related industrial and commercial developments that require a rural location shall be permitted as a conditional use within the designated agricultural area pending any potential adverse effects on adjacent uses.

(d) Certain non-farm uses that require a rural location such as a resource extraction, or recreational development may be permitted as a conditional use within the agricultural area.

(e) In recognition of the limited demand for small parcel residential development in a rural setting without minimizing the established agricultural priority of the area, such residential development shall take place in accordance with the criteria listed on pages 13 - 15.

(f) Where additional housing is necessary to the success of the farm enterprise such accommodation shall be provided on the existing farmstead as part of the farm unit.

(g) Land uses which shall be treated as conditional uses are:

i) All major livestock feedlot operations.

ii) Livestock production operations within the buffer zone of an urban or rural settlement centre, rural residential or recreation area.

iii) Non-farm dwellings as provided for in this part.

iv) Sand, gravel and mineral extraction operations be permitted such that areas indicated as having a high potential for sand and gravel extraction are protected for that purpose.

v) Sewage disposal lagoons.

vi) Recreational facilities.

vii) Waste disposal grounds.

viii) Aircraft landing facilities.

ix) Agro-related commercial and industrial uses.

x) Other uses as determined by Council which are not in conflict with the objectives and policies in the Agricultural and Rural Development Area.

2. LAND DIVISION POLICIES

The area designated as Agriculture and Rural Development shall generally have a minimum site area of 80 acres or two legal subdivisions which abut one another. However, certain permitted and conditional uses do not require the established minimum site area. The creation of small parcels or sites will be permitted for the following uses:

(a) Certain types of specialized farming activities such as market gardening, nurseries, beekeeping, chicken or livestock production that do not require

a large holding.

(b) A farmstead surplus to a farmer's needs may be converted to a non-farm dwelling site.

(c) A new dwelling on a separate site for a son or daughter of a farmer, where the son or daughter is actively engaged in the business of farming.

(d) A farmer and/or spouse, may create a separate site for retirement purposes.

(e) Rural non-farm residences.

(f) Where a site, intended to be developed for non-farm dwelling purposes, was created prior to the coming into effect of this Plan, said site may be used for non-farm dwelling purposes.

(g) Parcels of land created as remnants through transportation, drainage or utility corridor development that cannot reasonably be used for farming purposes shall be permitted to be used for non-farm purposes.

Parcels or sites created for the above stated uses shall be subject to the following policies and criteria:

i) Subdivision of land for non-farm uses shall not be permitted on land classified as 1, 2 and 3 (C.L.I.) capability for Agriculture except for parcels created under policy 2 (g) and (vi) below where they are not detrimental to farm uses and on land having high capability for mineral extraction.

ii) All necessary services such as an all weather road, drainage, school bussing can be provided with reasonable efficiency and without undue cost to the Municipality.

iii) The site area shall generally not be less than 2 acres and should also give consideration to not consuming valuable agricultural land.

iv) Subdivision for rural residential use shall not have the effect of potentially creating a new settlement centre.

v) Subdivisions for rural residential use shall be located a sufficient distance from conflicting or incompatible land uses such as livestock production operations, industrial areas, waste disposal areas, landing areas for aircraft, high capability areas for mineral extraction and prime wildlife habitat.

vi) Subdivisions of land shall be encouraged to occur in an infill situation, i.e. where existing subdivision is such that unused road frontage exists between existing lots in such a manner as to create difficulties in using the area for farming.

vii) Rural residential development shall not be located in natural hazard areas subject to flooding, inadequate drainage, erosion or areas with a continuous or reoccurring high water table.

viii) A small parcel holding, residential or otherwise, shall not, in the opinion of Council, have the potential to restrict the farming activity

on adjacent agricultural land.

ix) In order to avoid the unwarranted fragmentation of land, it shall be the responsibility of the subdivider to demonstrate that there is sufficient demand for rural residential sites to justify further subdivision. In addition, Council may require a developer to provide information on the suitability of a site for such development and the impact the development will have on the immediate area.

3. The above land use and land division policies shall apply to the area designated as "Agricultural and Rural Development Area" on Development Plan Map 1.

## SECTION TWO - RURAL SETTLEMENT CENTRES

### A. FINDINGS

1. The two communities of Kenville and Durban are identified as rural settlement centres within the Rural Municipality of Swan River.
2. The settlement centres share similar basic characteristics. The centres developed alongside railway lines and provided a certain level of servicing including commercial activities such as service garages, stores, grain handling facilities and institutional uses including schools and post offices. The process of time has considerably altered the original functions of these centres and they are currently becoming increasingly attractive to local people.
3. Because the populations of the two rural settlement centres have been either static or declining, there are no immediate development pressures that require resolution.
4. The rural settlement centres have the potential to offer a viable rural alternative in residential lifestyle. Therefore, the option is there for the Municipality to direct appropriate residential and commercial development to these centres as the demand so dictates.
5. Factors affecting possible growth and development of these centres include provincial highways, railways and constraints to the use of private wells and sewage disposal systems by the presence of groundwater pollution hazard areas (particularly in Durban).

B. OBJECTIVES

1. To encourage development of the rural settlement centres by directing suitable land uses to these centres, where possible, so that a limited range of commercial and community facilities can be maintained.
2. To develop attractive and compact rural settlement centres thereby providing an alternative lifestyle option not available in larger urban communities.
3. To ensure that the health and safety of the settlements and their residents is maintained.

C. POLICIES

1. To direct development, be it residential or otherwise, which should be more properly located in a settlement centre to become established in such centres whenever possible.
2. Because the rural settlement centres rely on individual sewage disposal systems, minimum site areas of new development shall be of a sufficient size to be environmentally acceptable and sensitive to potential groundwater pollution.
3. While the general development emphasis is residential, other appropriate land uses or activities normally associated with settlement centres including commercial, industrial and like activities shall be deemed to be conditional where these are allowed within the settlement centres in order to minimize potential incompatibility. Mobile homes shall also be considered an integral part of the residential environment of the settlement centres.

4. In order to efficiently use the space available in the centre and to establish a greater sense of community, the infilling or consolidation of vacant building sites shall be encouraged.

5. Any use of land or activity in close proximity to or within a rural settlement centre which, in the opinion of Council, will be detrimental to and may conflict with the residential environment shall be deemed a conditional use.

6. Any expansion of the settlement centres should reinforce the existing trend of development, that is, expansion for Kenville and Durban should keep to the south of the railway tracks and away from the major highway.

7. Livestock operations shall not be permitted within a rural settlement centre.

# Part III

# URBAN FRINGE DEVELOPMENT

## "PART III" - URBAN FRINGE DEVELOPMENT

### SECTION ONE - FRINGE RESIDENTIAL DEVELOPMENT

### SUB-SECTION 1 - ADJACENT TO TOWN OF SWAN RIVER

A. FINDINGS

1. Clustered fringe residential development including a mix of older and more recent development exists to the west of the Town of Swan River and in a fragmented area to the east (north of P.T.H. #10).
2. It is recognized that this type of residential development offers an alternative attractive lifestyle to that offered in an urban centre.
3. The majority of existing fringe residential areas were developed using the 15,000 sq. ft. minimum site area "RA" Suburban District zoning guidelines even though some areas remained under the "A" Rural District designation. The recent developments are using a 2 acre minimum site area thereby making the current zoning for this type of development in the area somewhat confusing.
4. Because of the fragmented pattern of development and the current large lot development policy, it is unlikely that municipal sewer and water services will be provided to this area in the near future.
5. According to the Water Resources Branch, the entire fringe residential area is located within the groundwater pollution hazard area (as outlined on Development Plan Map 6).

B. OBJECTIVES

1. To recognize the existing residential areas on the fringe of the Town of Swan River and to encourage a policy of in-fill.
2. To encourage that further residential development within the fringe of the Town of Swan River does not locate on prime agricultural soils.
3. To ensure that the public health of the residents is protected by locating developments only in areas:
    a) Where suitable soil conditions exist or by taking construction precautions to prevent groundwater contamination when using on-site sewage disposal methods, and
    b) Where flooding hazards are minimal.
4. Fringe residential development should be restricted in areas adjacent to Town boundaries so that the expansion of the Town of Swan River boundaries would not be jeopardized.
5. Fringe residential development shall take place independent of any need for municipal sewer and water services.

C. POLICIES

1. Two types of residential development are designated on Development Plan Map 2:
    a) All land designated as Rural Residential 1 are to be developed for residential use with lot sizes not to exceed 2 acres and the minimum lot size to be determined by a planning report which will be prepared for the area.
    b) All land designated as Rural Residential 2 are to be developed for rural residential use with lot sizes of not less than 5 acres for the keeping of animals for hobby use,

the numbers and regulation of which will be specified in the Zoning By-law.

2. Residential development in areas so designated may occur in a cluster pattern.

3. The site area for Rural Residential 1 lots shall be 2 acres or less depending upon the type of sewage disposal system. However, where there are existing parcels that do not meet this requirement, these areas shall be allowed to fill in providing that adequate on-site sewer and water systems can be accommodated.

4. To ensure that areas to be developed adjacent to the Swan River are not subject to occasional flooding, the Water Resources Branch should be consulted. New developments adjacent to the river should incorporate a "green space" adjacent to the river.

5. Areas designated for residential development shall be developed in accordance with the following criteria:

   a) Prior to the approval of further subdivision, a planning report including conceptual plans, shall be prepared by Council addressing such matters as circulation patterns and linkages to existing roads, adequate drainage and flood protection, school bussing, police and fire protection, open space standards, adequate sanitary sewage disposal, a safe and adequate potable water supply, ground water pollution hazard, etc. It is the purpose of the conceptual plans to guide Council in processing applications for subdivision. The conceptual plans may make provision for staging of development and shall conform in all aspects to the objectives and policies of the Development Plan. In preparing the planning report, discussions will be held with the relevant government departments and agencies and local authorities.

   b) In order to avoid premature subdivision of land, it shall be the responsibility of the

developer to demonstrate that there is a sufficient demand for proposed residential lots.

## SUB-SECTION 2 - VILLAGE OF BENITO FRINGE

### A. FINDINGS

1. The fringe residential development around the Village of Benito, is limited to strip development along P.T.H. No. 83 and an area adjacent to the southeast boundary of the village.
2. Development in this area is limited to established older homes. Recent development is not evident.
3. Fringe development has located on Class III agricultural capability land.
4. The Water Resources Branch has identified that a portion of the Benito fringe occurs in the groundwater pollution hazard area (see Map 18 of the Background Studies).

### B. OBJECTIVES

1. To recognize established and fragmented areas of residential development in the Village of Benito fringe and to encourage a policy of in-fill.
2. To protect the viability and continued growth of the Village of Benito, fringe development should be restricted to existing fragmented areas.

3. Future fringe development shall take place independently of any need for municipal sewer and water services.

C. POLICIES

1. Because it appears that ample vacant residential sites are available within the Village of Benito boundaries to accommodate any possible increased demand for residential development, further development save for infilling of existing development shall not be permitted within this fringe area.
2. Any infilling development shall have ample site area to accommodate on-site waste disposal and water systems.
3. Those areas designated residential are outlined on Development Plan Map 3.

## SECTION TWO - INDUSTRIAL DEVELOPMENT

### A. FINDINGS

1. Industrial development within the Municipality is concentrated within the fringe area of the Town of Swan River. The area to the south abuts to the industrial area in the Town.
2. Current industrial uses include wood processing and propane storage and distribution, among others, normally requiring large land areas and/or an isolated location.
3. Existing industrial development is well located with respect to transportation routes and railway access.

### B. OBJECTIVES

1. To recognize existing industrial development in the fringe area.
2. To make provision for industrial development for uses requiring a rural location in terms of space requirements, isolated locations and independent of municipal sewer and water services.
3. To ensure that industrial uses are appropriately located away from residential areas or other incompatible land use.

### C. POLICIES

1. Industrial development shall be permitted in designated areas shown on Development Plan Map 2.

2. The uses permitted in the designated areas shall be those requiring large land areas not available within the Town and uses requiring isolated locations for safety reasons.
3. Industrial sites shall be of such dimensions as to accommodate the proper function of on-site waste disposal systems and to provide an adequate protective buffer to neighbouring uses.
4. An overall concept plan shall be prepared before subdivision is permitted in order to prevent piecemeal land fragmentation and ensure adequate circulation patterns and linkages to existing roads. The conceptual plans shall make provision for drainage systems and show any major hazards and areas requiring buffering.
5. Evaluation of each new industry or major expansion of existing industries shall take place. The evaluation shall include the effects upon:
    a) The existing transportation system;
    b) The groundwater resources;
    c) The emission of odour, dust, smoke, noise, etc. and the effect these would have on adjacent land uses and resources;
    d) The disposal of industrial wastes.
6. Industries which, because of their dependency upon an abundant water supply, may affect the potable water supply of users in the area shall not be encouraged to locate in the rural industrial areas.

## SECTION THREE - HIGHWAY AND AGRO-RELATED COMMERCIAL DEVELOPMENT

### A. FINDINGS

1. Highway commercial uses in the rural area fall into two categories:
    a) Agro-related commercial development requiring large site areas in highly visual and easily accessible areas for the farmer such as machinery sales and bulk fertilizer outlets.
    b) Those commercial uses providing essential services for through highway traffic such as gas stations.
2. Highway commercial development within the Town of Swan River fringe is basically an extention of similar development within the Town boundaries along P.T.H. No. 10 east of the Town.

### B. OBJECTIVES

1. To ensure that highway and agro-related commercial developments are accommodated in a proper manner and in suitable locations within the Municipality.
2. To recognize and to protect existing highway and agro-related commercial developments and make provision for any expansion, if required.
3. To ensure that any additional highway commercial or agro-related commercial development will not be in conflict with or restrict adjacent agricultural or rural residential land use.

C. POLICIES

1. The areas designated for highway and agro-related commercial development are indicated on Development Plan Map 2.

2. The permitted highway and agro-commercial uses shall be limited to the following:

   a) Agro-related commercial uses such as fertilizer, herbicide, anhydrous ammonia, or farm implement dealerships and the like, directly serving the agricultural sector.

   b) Highway commercial uses providing essential services for through highway traffic and the travelling public.

3. Where possible, any new development should be encouraged on an infill basis.

4. No highway commercial development shall be encouraged outside the Village boundaries of Benito and Bowsman. However, if the need arises, consideration may be given to designating an area outside the boundary of either village suitable for highway commercial development.

5. The designation of areas for highway or agro-related commercial development shall be guided by the following considerations:

   a) Development should be clustered as opposed to strip or isolated development.

   b) The economical provision of on-site services shall be feasible, including safe sewage disposal, a source of potable water, and proper surface drainage.

c) The area shall be compatible with existing land uses. Suitable set-back requirements or buffering guidelines may be established by Council. As well, the Department of Highways requirements will apply where applicable.

# Part IV

# NATURAL RESOURCES

## "PART IV" - NATURAL RESOURCES

### SECTION ONE - WILDLIFE RESOURCES

#### A. FINDINGS

1. The Municipality contains three areas of major importance to wildlife: the slopes of the Duck Mountain, Porcupine Provincial Forest and Thunder Hill.
2. The slopes contain extremely important winter habitat areas for big game, being C.L.I. Class 1, 1W and 2 for ungulates, for moose, deer and particularly elk.
3. All three of the above areas have topography problems which preclude intensive agricultural use. Agricultural use of these lands has resulted in severe soil erosion damage and increased flooding damage along the many streams flowing out of the Duck Mountain and more particularly the Porcupine Mountain. This periphery area covers most of the area of concern for ungulate winter habitat.
4. Due to the high quality agricultural land within the Swan Valley, extensive development for agriculture has taken place, leaving little wooded cover for wildlife; that which does remain is located on lands that are not capable of annual cereal crop production. Any further agricultural expansion will be at the expense of the extremely important ungulate wintering areas on the slopes of the mountains. Subdivisions and development on these lands will also be at the expense of this prime ungulate wintering habitat.

B. OBJECTIVES

1. The objectives of the Wildlife Branch are to maintain existing ungulate population levels and if possible increase same to meet public demand. The key to achieving these objectives is the protection of critical wintering habitat and where compatible with proper agricultural use enhance habitat to increase carrying capacities without unduly abrogating or interfering with the rights of private ownership to land.

2. Council shall continue to encourage Government Programs to improve compensation for wildlife damage to crops, supplementary elk and deer feeding, managed hunting, biological investigations, etc. to wildlife imposition on private land.

C. POLICIES

1. The land peripheral to the Procupine Provincial Forest and the Duck Mountain Provincial Forest should be set aside as "wildlife buffer zones" (as identified on Development Plan Map 5) to the high resource valued Provincial Forests.

2. No intensive residential, industrial or commercial development or subdivision potentially detrimental to the resource area or park character or experience shall be permitted in the wildlife buffer zones.

## SECTION TWO - FISHERY RESOURCES

### A. FINDINGS

1. Water erosion resulting from agricultural drainage, clearing of stream banks and channelization of tributary streams has resulted in siltation particularly in the Swan River and further downstream to Swan Lake.
2. The abundance of pickeral, perch and goldeye will decline further unless steps are taken to maintain water quality in streams running out of the Duck and Porcupine Mountains.

### B. OBJECTIVES

1. As fish are a renewable or replenishable Crown resource, it is encumbent upon the government, as the resource steward, to ensure the provision of fisheries management that will result in the greatest long term benefit to Manitobans.
2. To ensure the survival or improvement of fish stocks, subject to the effects of natural environmental changes and approved man-made environmental changes, specifically, to protect existing fisheries habitats, spawning sites and nursery areas.
3. To maintain, enhance and diversify angling opportunities to Manitobans to meet existing and future demands.
4. To promote communication and cooperation between private land owners, the public, local government and the Department of Natural Resources so as to achieve high standards of conservation practices.

C. POLICIES

Although fisheries habitat has been lost, what remains can be retained and enhanced by judicious use of land and water in the Rural Municipality. In order to achieve the fisheries objectives and to mitigate and alleviate concerns, the following policies apply specifically to, but are not restricted to, the Woody River, Roaring River, Bowsman River, Swan River and the major tributaries feeding these rivers:

1. Water quality and hence fisheries habitat (spawning sites and nursery areas) further downstream shall be protected.

    a) Ditching and stream re-channelization should not be permitted in areas identified as important spawning sites and nursery areas. The construction of dykes as opposed to channel deepening and straightening shall be encouraged. Measures to limit nutrient and sediment inflow shall be encouraged.

    b) Land clearing, cultivation and development to the waters edge of streams, creeks and lakes shall be discouraged.

    c) Enrichment of natural waters (organic loading or siltation) as a result of agricultural run-off from all lands shall be discouraged.

    d) A buffer strip of natural vegetation 90 metres wide, unless investigation shows that these limits may be reduced, from the ordinary high water mark should be maintained along spawning streams, creeks and lakes. Development or maintenance of appropriate vegetative

cover along waterways and lakes to prevent erosion, siltation and reduce run-off should be encouraged.

e) Introduction of foreign material such as fuels, petroleum products, or other material detrimental to aquatic flora or fauna shall be prohibited.

f) River and stream crossings associated with road development should be constructed with reference to the Department of Natural Resources stream crossing guidelines to minimize damage to fish and fish habitat.

2. Shorelines subject to intensive use and development (residential, cottaging or industry) should be protected from excessive erosion and organic loading. Activities that discharge pollutants shall be restricted in their location and it may be required that precautionary safeguards that mitigate the pollution be incorporated into development activity.

3. Sport fish stocking programs in suitable water bodies and man-made pits to increase angling opportunity shall be encouraged. Major extraction projects (i.e., sand and gravel) should consider the potential for future fish stocking.

4. Trout farming operations should be encouraged.

## SECTION THREE - WATER RESOURCES: GROUNDWATER

### A. FINDINGS

1. The total groundwater supply for domestic and farm purposes is adequate for present requirements and for considerable future development.
2. The municipal water systems of the Town of Swan River and the Villages of Bowsman and Benito use groundwater. Thus, proper groundwater resource management and protection is necessary to assure an adequate, pollution-free supply for existing uses and for potential development.
3. Most of the aquifers developed for water supply are overlain by sufficiently thick low permeability surficial deposits that prevent pollution of the aquifers.
4. In extensive areas, surficial deposits consist of sand and gravel that may form shallow aquifers subject to pollution. Therefore, the surface and gravel areas are considered to be groundwater pollution hazard areas.

### B. OBJECTIVES

1. To manage the aquifers in a manner that would not deprive existing users of their waste supply or have a detrimental effect on aquifer potential in the Municipality.
2. To maintain groundwater withdrawal within acceptable limits.
3. To prevent aquifer pollution.

C. POLICIES

1. Intensive development (subdivisions) and high capacity wells should be permitted only in areas where they will not cause a reduction in water supply for existing users.
2. Groundwater consumption should not exceed the total sustained yield of an aquifer.
3. Wells should be installed in a manner that would not have a detrimental effect on aquifers.
4. Activities that may cause pollution under normal operating conditions or by accident should not be permitted in groundwater pollution hazard areas as shown on Development Plan Map 6 unless it can be proved by adequate field investigation that the proposed activities will not cause pollution of the existing or potential groundwater supply in the area.

## SECTION FOUR - WATER RESOURCES: SURFACE WATER

### A. FINDINGS

1. The Rural Municipality of Swan River is situated along the west side of the Manitoba Escarpment between the Porcupine Hills and Duck Mountains. An extensive network of creeks and streams carry runoff from the escarpment to the Swan River, Woody River and Roaring River. The land drops more than 1,000 feet from the escarpment to the valleys of the major rivers.

2. Because of the steep terrain, runoff is very rapid causing flooding, land and river-bank erosion. Low areas adjacent to waterways may be subject to flooding from spring runoff as well as summer rainstorms.

3. The above hazards render many areas unsuitable for intensive development and limit agricultural uses.

4. Hazardous areas are often attractive to developers and individuals seeking a rural lifestyle because of their natural beauty. They are also in demand for intensive agricultural uses.

5. Development or unsuitable agricultural practises occurring on hazard lands may lead to acceleration of environmental damage, interference with natural processes, public expenditures for remedial works or assistance, waste of resources and personal loss and hardship.

B. OBJECTIVES

1. To minimize personal hardship and inconvenience, adverse effects on public health and loss of life.
2. To minimize property damage and public expenditures for relief or protection in areas subject to flooding, water erosion, wind erosion, bank instability, landslide or subsidence.
3. To restrict activities which would accelerate or promote damages arising from causes such as erosion or bank instability.
4. To acquire access to all waterways in order to carry out public work projects when required.
5. To maintain the natural capacity of the streams to convey flood flows.
6. To encourage the preservation of natural vegetation along the banks of waterways.

C. POLICIES

1. Development in areas which, in the opinion of the Council, may be subject to hazards such as flooding, erosion or bank instability shall generally be limited to agricultural uses or open space uses. Under special economic or social circumstances, Council may permit more intensive development if the hazard is eliminated or protected against. Development in these hazardous areas shall be subject to the following requirements:
    a) If the land is subject to flooding all permanent structures shall be located on land which has been raised by fill to an elevation at least

0.6 metres above the 100 year flood level.

b) Land which may be eroded away within a period of 50 years shall be excluded from development unless it is demonstrated, to the satisfaction of Council, that the erosion process has been halted.

c) Development shall not be permitted on lands subject to bank instability, landslides or subsidence.

d) All structures and services shall be protected against damage and shall be functional under hazard conditions.

2. Notwithstanding 1, development will not be permitted if, as a result of the development:

   a) There is an added risk to life or safety, or

   b) Water flow, flow velocities or stages are adversely altered, obstructed or increased.

3. In areas susceptible to dangerous erosion or bank instability, activities such as dumping, excavation, clearing, cultivation, or excessive grazing will be discouraged.

4. In areas where the specific hazard has not been defined, permanent structures shall be set back from all waterways a distance of at least 10 times the height of the bank above channel grade or 60 metres whichever is greater unless an engineering investigation shows that these limits may be reduced.

## SECTION FIVE - OUTDOOR RECREATION RESOURCES

### A. FINDINGS

1. The Rural Municipality of Swan River has an overall capability for a wide variety of land oriented outdoor recreation activities such as downhill and cross-country skiing, snowmobiling and hiking.
2. Diverse patterns of land use combined with a variety of topographic and cultural features provides a scenic landscape for travelling and viewing.
3. Although the highest potential for outdoor recreation is centered on the Duck Mountain and Porcupine Hills located just outside the Municipal boundaries, recreational hunting and viewing of wildlife are important in the periphery areas of the Municipality adjacent to the above areas.
4. The streams and rivers in the Municipality are important in maintaining the wide diversity of outdoor recreation activities which include sport fishing, nature study and canoeing.
5. Existing outdoor recreation use areas include the downhill skiing facilities at Thunder Hill, the wayside park along the river north of the Town of Swan River and the golf course west of Town.

### B. OBJECTIVES

1. To protect high capability resource areas including natural waterways for outdoor recreation when development or land use change is considered.

2. To permit development and use of the outdoor recreation resources only to the carrying capacity of the resource.
3. To provide protection to the existing outdoor recreation use areas from encroachment of incompatible uses or activities.
4. To encourage development that is consistent with the local environment in order to preserve the aesthetic appeal of the Municipality for the citizens and the travelling public.
5. To ensure the right of public access to outdoor recreation opportunities.
6. To ensure that outdoor recreation development take place in established areas in order that services can be provided in a most efficient manner.

C. POLICIES

1. Use of land adjacent to existing outdoor recreation developments (Thunder Hill ski resort and P.T.H. #10 wayside park), and adjacent to important outdoor recreation resources, including Sarah Lake, Swan River, Ruby River and Roaring River, shall be of such a nature so as not to limit or restrict the capability of the resource for recreation use.
2. New outdoor recreation proposals should be developed in a manner that would least disturb the natural environment by following appropriate guidelines and standards as established by Council.
3. In order to protect the aesthetics of the natural waterways, an appropriate set-back shall be established as a condition of approval for development.
4. The right of public access to the important outdoor recreation areas of the Rural Municipal-

ity shall be protected and where appropriate shall be provided.

5. Outdoor recreation development shall occur in such a manner that municipal services can be provided efficiently and economically.

## SECTION SIX - FORESTRY RESOURCES

### A. FINDINGS

1. The Rural Municipality of Swan River is within the Mountain Forest Section as per the Manitoba forest classification system (Map 2)*. About 17 townships of the Municipality are within Forest Management Unit (FMU)11. Approximately 1½ townships are located in each of FMU 13 (Duck Mountain Provincial Forest) and FMU 14 (Porcupine Provincial Forest) on what may be described as periphery lands of the Provincial Forests. FMU 11 was formerly forested, including extensive stands of spruce, but was harvested long ago, for agricultural purposes.

2. Those forested portions of the Rural Municipality in FMU 11 and 13 are mainly hardwood with softwood occurrence and have been subjected to repetitive damage by wildfire. These lands, however, are class three and four as per the Canada Land Inventory System of Classification for Forestry capability. These ratings indicate productivity in the range of 51 to 90 cubic feet per acre per year. (The equivalent measures are 1.4 to 2.5 cubic metres, or, 0.6 to 1.0 cords, per acre per year).

3. The Swan River area has a flourishing forest industry, harvesting rough timber as well as converting the timber to other products. While trees and forests have value as a renewable cash crop, their presence is valuable in other ways. These include control of precipitation run-off and retarding snow-melt to lessen flood risk; erosion control (both water and wind); a habitat for wildlife; and recreation opportunities for people.

* Planning Report on Natural Resources

4. Forest harvesting operations can be done in a manner that will enhance all forest values; however, it is essential that fire be kept out. Disastrous fires such as occurred in the Porcupine in 1980 need to be avoided.

B. OBJECTIVES

1. To effectively manage and protect forested Crown lands, to maintain and enhance the overall benefits accruing to the public of Manitoba from the forest resource, and to encourage private forested landowners to do likewise.
2. To sustain the integrity of the forest land base in Manitoba and to maintain the forest resource in a healthy and productive state.
3. To encourage responsible use and husbandry of the forest resource, to obtain maximum achievable net benefits including employment and recreation opportunities to the public.
4. To assist in the creation and sustenance of self-supporting industries by providing appropriate tenure and access to a forest resource managed under sustained yield practices.

C. POLICIES

The general policy applying to forests on Crown land will be to improve sustained yield and intensive management practices beginning with the more productive and accessible forest sites in the Province as economic conditions and funding support permits.

# Part V

# AGGREGATE RESOURCES

## "PART V" - AGGREGATE RESOURCES

### A. FINDINGS

1. The municipality contains numerous sand and gravel deposits of variable quality. These deposits are critical for building and transportation construction requirements by local and governmental concerns.

2. From a land use planning perspective, aggregate resources and their extraction are of concern for several reasons, including:

   a) Aggregate resources are non-renewable and a staple for the construction industry. Their fullest possible extraction in close proximity to the market is highly desirable and should, therefore, be afforded protection from incompatible land uses.

   b) Aggregate extraction operations pose a potential hazard or nuisance to adjacent development in terms of noise, vibrations and dust, visual degradation, deterioration of road surfaces by truck traffic, etc. Regulations governing such activities should be adopted so as to minimize their impact.

   c) Aggregate extraction is an interim land use. Consideration should be given to alternative subsequent land uses for the site upon completion of the extraction activity.

B. OBJECTIVES

1. To ensure that Municipal aggregate materials continue to be available for local and provincial construction requirements at reasonable cost.
2. To protect those capable of supporting high quality sand and gravel extraction.
3. To ensure that aggregate extraction operations are reasonably compatible with adjacent land uses.
4. To integrate aggregate extraction into the overall land use planning process.
5. To plan for the extraction and successive reclamation of aggregate deposits so as to minimize conflicts with and disturbances to the environment and public or private property; to reduce safety hazards during and after extraction and to enhance the potential for alternate land uses after extraction.
6. To allow for the optimum use of land underlain by non-renewable aggregate resources that will provide access to the resource until exhausted and the site rehabilitated.

C. POLICIES

The concerns and objectives pertaining to aggregate resource extraction shall be fulfilled through application of the following policies:

1. The Mineral Resources Division (Department of Energy and Mines) and the Department of Highways have assigned a development status to each aggregate deposit within the Municipality. "Stop" indicates a valuable aggregate deposit which should be protected for future extraction. No conflicting land uses should be allowed on these deposits.

"Caution" denotes a deposit whose full potential is not proven or whole quality is not high, but which has been recognized as being of value to the Municipality. Deposits with a "Caution" status may be allocated a conflicting land use, after reviewing local needs and alternate sites in consultation with the Mineral Resources Division. "Go" implies a deposit of no recognized value as an aggregate source, and land uses need not be restricted on the deposit. All deposits so designated can be found on Map 4 of the Development Plan Maps.

2. (a) Areas with a "stop" designation shall be designated specifically for aggregate extraction. Land uses within these areas shall be limited to general agricultural practices, temporary occupation or uses that will permit access to the resource until such time that the resource has been exhausted, determined to be uneconomical to extract, or subsequently rehabilitated.

   (b) Where it is deemed necessary, for an area designated for aggregate extraction on which a non resource-related development is proposed, a site specific analysis shall be conducted to determine the quality and extent of the aggregate deposit and the feasibility of extraction.

3. Aggregate extraction operations shall be considered as conditional uses and the granting of development permits for new operations or the expansion of existing ones shall take into account Manitoba Regulation 226/76, under the Mines Act.

4. An application for a commercial aggregate extraction operation shall include the submission of a site plan showing the manner in which extraction or development will occur,

and the proposed use(s) of the area after the extraction operation has been totally or partially completed.

5. In any area where an aggregate deposit lies adjacent to an existing development which would clearly be sensitive to the impact of extraction (including noise, dust or traffic), controls such as suitable buffers and/or additional setback requirements to limit the extent of the operation shall be enacted in consultation with appropriate government bodies, such as the Mineral Resources Division. This shall have the effect of alleviating undue land use conflicts and environmental impact.

6. Land uses, such as residential in addition to certain commercial, institutional and recreational uses, which may be sensitive to and conflict with the inherent characteristics of aggregate extraction shall not be allowed within 1,000 feet of the existing or anticipated limits of the extraction operation.

7. Local roads which are presently used to carry high volumes of truck traffic from an extraction operation, or which may be anticipated to be used to carry high volumes upon commencement of a future operation, shall be considered with respect to adjacent development which would be sensitive to such traffic. This may warrant:

   a) Establishing setback, screening and ingress/egress controls or rerouting truck traffic to mitigate the impact of high volumes of truck traffic on existing development, or

   b) precluding the development of proposed land uses which would be sensitive to this truck traffic.

8. To limit the additional expenditures imposed on the Municipality to maintain and/or upgrade municipal roads, agreements may be established between the Municipality and operators of extraction activities to cost-share the maintenance of roads required to haul the aggregate from the site.

# Part VI

# RURAL TRANSPORTATION AND UTILITIES

## "PART VI" - RURAL TRANSPORTATION AND UTILITIES

### A. FINDINGS

#### HIGHWAYS

1. P.T.H. No. 10 and 83 are important north-south highways in the Municipality. P.T.H. No. 83 serves the most westerly part of the Province and terminates in the Town of Swan River. P.T.H. No. 10 connects the United States on the south and Flin Flon on the north. Both highways are considered important recreation routes for tourists.
2. A number of provincial as well as municipal roads are also important connecting routes in the Municipality providing access to farmsteads, rural residential areas and other rural uses.
3. Control circles exist at the junction of these provincial highways/roads which restrict development.
4. The development of a safe, convenient, and efficient network of roads able to move people, goods and services relies heavily on suitable land use and road planning.
5. Land uses and development should be appropriately located to utilize the public roads and access to them in a manner compatible with the functions of the roads.

#### MANITOBA HYDRO

1. The Manitoba Hydro electric system consists of overhead and underground facilities. Manitoba Hydro provides for all necessary extensions of electrical service to newly

developing areas. They also attempt to maintain, operate and upgrade the existing electrical systems in a safe and efficient manner.

RAILWAYS

1. The Municipality is served by three C.N. rail lines radiating from Swan River. The centres of Bowsman, Kenville, Durban and Benito are serviced by C.N. All three lines are protected from abandonment until the year 2000.

SOLID AND LIQUID WASTE DISPOSAL

1. Solid and liquid waste disposal require particular care in their location and maintenance. Poor siting or maintenance of these disposal sites increase the likelihood of air and water pollution. Both types of disposal are utilized within the fringe of the Town of Swan River, and elsewhere in the Municipality.

AIRPORT

1. A local airport facility serving local and regional needs is located east of the Town of Swan River.

B. OBJECTIVES

1. To limit excessive public costs for the construction, upgrading and maintenance of highways and roads by means of proper land use planning thereby protecting the public investment in the current infrastructure.

2. To protect the major provincial highways located outside of built up areas within a corridor wide enough to safeguard both traffic operations and options for roadway expansion in the future.
3. To establish some basic planning criteria for minimizing friction between the highway facility and adjoining development in areas where development is allowed.
4. To maintain a high level of service and safety on the highways.
5. To ensure that existing rail line development in the Municipality is not encroached by incompatible land uses both within the settlement centres and the Municipality as a whole.
6. To ensure safe and economical disposal of wastes in the Municipality.
7. To provide for adequate buffering for the sewage lagoon and waste disposal sites to avoid encroachment by incompatible land uses.
8. To ensure compatibility of land use with respect to areas adjacent to airports and the airports, and to minimize the impact of airports on adjacent land uses.

## C. POLICIES

### HIGHWAYS

1. New development should be restricted in the vicinity of Provincial Highways so as to avoid any interference with the main function of the regional transportation network. The Department of Highways identifies P.T.H. No. 10 as a major public highway. The following policies shall apply:

    a) The type of development that would cause significant interference (in general, residential excepting farmstead subdivisions, industrial and commercial)

should not be allowed within 1,000 feet of the centreline of P.T.H. No. 10.

b) Compatible land uses (for example, agriculture, moderate recreation, wayside parks) may be permitted adjacent to P.T.H. No. 10 provided that individual parcels do not measure less than 1,000 feet of highway frontage.

2. For the remaining provincial roads/highways in the Municipality, the following shall apply:

a) Strip development along the highway, whereby direct connections to the highway are continuously relied upon for providing access to abutting properties, shall not be permitted.

b) The kind of development that would generate traffic in an amount or of a type that would unduly impair the present and potential capability of the adjoining highway to carry traffic safely and efficiently shall not be permitted.

c) The local road or street network associated with any type of proposed development shall be designed to be in accord with both the existing and planned road and street system of the neighbouring areas.

d) Development shall occur in a "cluster" pattern so as to utilize common access points. This would also involve the provision of an internal road system integrated with the existing and adjacent road network in order to minimize interference with highway traffic and to ensure a high standard of safety.

3. Anhydrous ammonia and bulk fuel storage facilities shall be set back from a highway an appropriate distance as required by statutory control. However, the storage tanks shall not be located closer than 300 feet from the edge of the right-of-way of a Provincial Highway or Road.

4. On-going consultation between the Municipality and the Department of Highways is encouraged so that land use control and development adjacent to future new, relocated, or upgraded highways can be protected through the updating of the Development Plan on a regular basis.

5. Setback requirements for structures, buildings and shelter belts along provincial roads/ highways are governed by regulations administered by the Department of Highways. Should additional information be required in this regard, the department should be contacted.

6. Adequate setbacks of structures, buildings and shelter belts shall be maintained from all municipal roads.

7. To limit the cost burden on the Municipality for upgrading existing improved roads or developing otherwise unimproved road allowances, cost sharing agreements may be established if the road is to be utilized primarily for non-farm land uses or developments including:

   a) Developments which do not create sufficient traffic flow to warrant such added expenditures on roads.

   b) Developments that generate excessive truck traffic, necessitating continued road maintenance.

8. Satisfactory storm drainage shall be provided to service any development adjacent to the

provincial highway system. Cost-sharing agreements may be necessary through which a developer shall re-imburse the Department of Highways for any improvements necessary to the provincial highway ditch system to accommodate the increased flows.

MANITOBA HYDRO

1. To ensure the continued provision and maintenance of the electrical system, it should be recognized that Manitoba Hydro facilities including overhead and underground distribution lines will of necessity be located on streets, lanes and public reserves and on rights-of-way across privately owned land. Therefore, consultation shall take place with Manitoba Hydro so as to coordinate and properly plan for:

   a) The general installation and distribution of hydro electrical lines and power for rural developments within the Municipality.

   b) Any proposed installation of major hydro-electric corridors or facilities.

   c) Setback requirements for developments adjacent to existing or proposed hydro-electric corridors.

RAILWAYS

1. Adequate buffering shall be established along the existing railway lines in the Municipality to avoid encroachment by incompatible uses.

## AIRPORTS

1. Development which could be hazardous to the occupants of land around airports due to the operations of the airports, or could be incompatible with the neighbouring airport shall not be permitted.

   The above stated policy shall be implemented through the zoning by-law by identifying those uses that will be impacted by airport activities and designing them as conditional uses. Information to assist in the processing of conditional use permits may be obtained from provincial and federal agencies.

## SOLID AND LIQUID WASTE DISPOSAL AREAS

1. Council shall establish suitable buffers for sewage lagoons and waste disposal grounds in consultation with the Environmental Management Branch.

# Part VII

# CULTURAL AND HERITAGE RESOURCES

## "PART VII" - CULTURAL AND HERITAGE RESOURCES

### A. FINDING

1. Historically, architecturally and archaeologically significant sites and structures in the municipality are not well known and may become lost to future generations.

### B. OBJECTIVES

1. To identify sites and structures having historical, architectural and archaeological significance within the Municipality.
2. To protect historical, architectural and archaeological sites and structures from uses or activities that would endanger them.

### C. POLICIES

1. No commercial exploitation, development, land use, or demolition shall be permitted that endangers a site or structure of historical, architectural or archaeological significance.
2. As a condition for the approval of a subdivision, demolition permit, or the issuance of a development permit, Council may require the applicant to show that a historically, architecturally, or archaeologically significant site or structure is not being endangered or demolished.
3. The ratepayers of the Municipality should not be made to suffer undue hardships through

development restrictions on their property until such time that professionals determine the quality or value of potential historical and archaeological sites. To ensure that invaluable historical and archaeological resources are not lost without the opportunity for proper exploration, Council should request the Historic Resources Branch of the Province of Manitoba to delineate areas with high historic resource potential until such areas are duly explored and their actual resources documented. Subsequently, all development applications such as subdivision proposals and development permits, should be referred to the Historic Resources Branch for comment.

# Part VIII

# GENERAL IMPLEMENTATION

## "PART VIII" - GENERAL IMPLEMENTATION

The purpose of this Part, is to describe the official steps necessary for the implementation of the Development Plan.

The Development Plan establishes objectives and policies based on present long range projections of trends and needs which will ensure uniformity in the day to day Council decisions on land use planning.

A Development Plan, however, does not in itself constitute a complete planning tool. Rather, it must be used in conjunction with planning controls available to the Municipality under The Planning Act, and including other legislation. Full implementation of the Plan's policies, objectives and requirements consists of a series of official steps legally required under The Planning Act, as well as several unofficial steps and conditions.

### 1. ADOPTION PROCEDURE

The Development Plan is adopted by a by-law of the Rural Municipality of Swan River, as provided under Sections 30 - 33 of The Planning Act (S.M. 1975, Chapter 29). The adoption procedure involves providing the general public with proper notice of the intent of the by-law including public hearings and review by the Provincial Government. The review process is set in motion when the by-law to adopt the Development Plan has received first reading.

## 2. LAND USE CONTROLS

### (a) Zoning By-Law

Essentially, the major means of implementing the Development Plan is through the Municipal Zoning By-Laws. Under Section 34(2) of The Planning Act, Council shall adopt a Zoning By-Law to carry out the intent of the Plan within six months of the Plan's adoption, or such longer period of time as the Minister of Municipal Affairs may decide.

The Zoning By-Law will establish various land use districts, determine both the permitted land use districts and detailed requirements and regulations for the implementation of the Development Plan. The contents of the Development Plan shall provide guidance in preparing the zoning by-law and subsequent zoning amendments. However, it must be recognized that many of the proposed land uses depicted on the Land Use Plan, attached hereto, will take many years to evolve or develop and it would be unjust to unduly restrict the continuation of existing uses of land during the transitional period; therefore, land may be zoned in a subsequent zoning by-law in order to reflect the present use of land. Should the use of these lands be changed, it must be in conformity with the Development Plan.

### (b) Subdivision Control

The objectives and policies contained in the Plan shall also be implemented by means of the provisions and regulations outlined in The Planning Act (Part VI) governing the subdivision approval process. According to Section 62(1) of the Act, a

subdivision of land shall not be approved unless Council, has by resolution given its approval with or without conditions. After approval by Council, a subdivision application may be approved by the Approving Authority, which is presently the Minister of Municipal Affairs.

A subdivision proposal will only be approved by the Council if:

i) The proposal complies with the objectives and policies contained in the Plan; and

ii) It meets the requirements of all municipal by-laws, the regulations outlined in The Planning Act, and other appropriate regulations.

(c) Building Permits and Development Permits

A proposal for the actual development of a site brings into play certain by-laws or regulations. The development permit ensures compliance with the provisions of The Planning Act as well as with the Development Plan, such as setback requirements from roads or distances from livestock operations.

The Manitoba Building Code adopted under the Building and Mobile Home Act sets the minimum standards which all buildings must meet in order to protect the safety and health of the public. The Municipality may enact a Building By-Law for the administration of the Manitoba Building Code.

The by-laws and regulations administered through building and development permits also affect the physical appearance and environmental quality of development. Administration and issuance of these permits are undertaken by the Municipality.

It should be noted that Manitoba Hydro's policy with respect to electrical service on hazard lands is as follows:

> Manitoba Hydro will not knowingly proceed with the construction of an electrical service extension in an area designated as Flood Risk Area until such time as a Building Permit or some other form of authorization to proceed with the building is provided.

(d) Land Acquisition

In accordance with the provisions of Section 35 of The Planning Act, the Municipality may acquire by gift, purchase or expropriation, any interest in land and may sell, lease or otherwise dispose of land or development rights so acquired or held. This enables the Municipality to secure land for the implementation of any feature of the Development Plan, if this action is determined to be necessary by Council.

(e) Development Agreement

One of the means by which Council may implement the objectives and policies established in the Plan is the development agreement. The Planning Act permits the Council to enter into such an agreement in order to ensure the provision of suitable services in any proposed development.

Under Section 63(b) of the Act, Council may require a subdivider of land to enter into a development agreement as a condition of subdivision approval. The agreement will clearly detail the responsibilities of both the developer and the

Municipality in order that the development will be safe, efficient, in harmony with adjacent land uses, and that it conforms to the stated intents within the Plan. Council should adopt guidelines which establish general conditions required in a development agreement to ensure consistency of approach with each developer.

Under Section 48(1) of the Act, an individual applying for an amendment to the zoning by-law may also be required to enter into a development agreement, where Council is of the opinion that certain works are needed to bring a development up to specific Municipal standards.

## 3. CAPITAL EXPENDITURE PROGRAM

The capital expenditure program is among the most critical of considerations for effecting the policies and proposals outlined in the Development Plan. Allocation of funds under this Program for improvement, expansion, or initiation of capital works establishes the Municipality's commitment to a priorized program of development and growth.

The relatively slow growth of the economic sectors is directly and indirectly related to the growth of the Municipality's assessment base. The fact that the Rural Municipality's assessment base did not expand at a more rapid rate will therefore make it more difficult to raise significantly more tax revenue without substantial increases in the local mill rates.

A brief analysis of the Municipal financial position, shows that as of December 31,

1981, the Rural Municipality of Swan River had sufficient financial capabilities to meet its annual expenditures. This position could nevertheless change in the future if the annual expenditures continue to increase faster than the revenues that can be raised to meet these expenditures.

Such increases in annual expenditure levels could be the result of improved services, inflationary pressures or the need to borrow excessively. Although the Rural Municipality of Swan River had, as of December 31, 1981, no problem in funding its five year capital expenditure program, it nevertheless is essential that the financing of future capital expenditures continues to receive the necessary attention of the local authorities in order to maintain adequate financial flexibility in the future. These five year capital expenditure programs prepared in accordance with Section 561 of the Municipal Act, offer the opportunity to plan the future implementation of capital expenditure projects and therefore can be used to guide the implementation and funding of the projects associated with the policies outlined in this Development Plan.

It is therefore recommended that the future capital expenditure programs of the Rural Municipality of Swan River shall not only reflect the requirements of Section 561 of the Municipal Act, but also shall not contradict the policies outlined in this document.

A capital works program is required under Section 27(4) of The Planning Act as an integral part of the Development Plan. Copies of the current five year capital expenditure program (prepared in accordance with Section 561 of the Municipal Act) are attached to the Plan. Subsequent municipal capital expenditure programs shall be consistent with the intents of this Plan upon its adoption.

## 4. OTHER LEGISLATION

Aside from The Planning Act, there exist various acts of provincial legislation which will ensure that the objectives and policies outlined in the Development Plan are implemented in specific ways. Wherever the regulations or requirements provided for by any Act impose greater restrictions than those provided for by this Plan, then such greater restrictions shall normally take precedence.

Some acts that should be consulted to provide further guidance to the Development Plan's implementation are:

a) Clean Environment Act

b) Mines Act

c) Water Rights Act

d) Groundwater and Water Well Act

e) Highways Protection Act

f) Public Health Act

## 5. IMPACT STUDIES AND SECTOR PLANS

By nature, the Development Plan primarily deals with general land use and development within the entire Municipality. As a means of ensuring that development and land use occur in a manner consistent with the objectives and policies set out in the Plan, it may be necessary that certain impact studies be conducted and/or sector plans be prepared in order to evaluate development proposals.

To ensure that due regard is afforded to the possible effects of a development proposal on the various environments--physical, social or economic--and to allow for adequate evaluation of a specific proposal, a development proponent may be required to conduct suitable impact studies to support the proposal. Council should consider appropriate guidelines setting forth both the conditions and contents of an impact study.

An additional 'tool' that is used for implementing the land use and development aspects of a development plan is the sector or area plan. This is a more refined conceptual layout of proposed development and use of land in a specific area. Whereas the Development Plan provides a broad concept of land use, the sector plan presents in greater detail such aspects as the preferred subdivision layout and street pattern, the location of public facilities, etc.

## 6. PERIODIC REVIEW AND AMENDMENT

As noted at the outset, the Development Plan must be viewed as a flexible document in order to ensure that the growth and development of the Municipality is in line with changing conditions.

The Development Plan should be reviewed whenever any objectives, policies or proposals established by the Plan become irrelevant or unrealistic if new trends or unforeseen needs should arise. The Planning Act (Section 29) requires that the Development Plan be given a complete review at least every five years or such time as the Municipality or the Minister of Municipal Affairs considers a review to be necessary. Evaluation of all aspects of the

Plan, in terms of its effectiveness in achieving specified objectives, should be a continuing concern for the Municipality.

From time to time, zoning amendments, subdivision plans or capital works projects may be proposed which do not conform to the land use and development objectives and policies established by the Development Plan. In these instances, the Plan must be amended accordingly before the proposal can be put into effect. Before making such an amendment, the Council shall study its effect on the Development Plan as a whole so as to ensure that the proposed change is compatible with the rest of the Plan.

Form No. 470 3244 — CAPITAL EXPENDITURE PROGRAM

# RURAL MUNICIPALITY OF SWAN RIVER

(Name of Municipality)

## CAPITAL EXPENDITURE PROGRAM

| PURPOSE | CAPITAL EXPENDITURE (Mark Priority 1, 2, 3, etc.) 19 83 | 19 84 | 1985 | 1986 | 1987 | Total | SOURCE OF FUNDS Operating | Reserves | Debenture Sales | Other |
|---|---|---|---|---|---|---|---|---|---|---|
| Motor Graders - 1 | 82,500.00 | 90,750.00 | 99,825.00 | 109,807.00 | 120,787.00 | 503,669.00 | | 503,669.00 | | |
| | 82,500.00 ✓ | 90,750.00 ✓ | 99,825.00 ✓ | 109,807.00 ✓ | 120,787.00 ✓ | 503,669.00 ✓ | | 503,669.00 ✓ | | |

| SOURCE OF FUNDS — ANNUAL | 19 83 | 19 84 | 19 85 | 1986 | 19 87 | TOTAL |
|---|---|---|---|---|---|---|
| OPERATING | | | | | | |
| RESERVES | 82,500.00 | 90,750.00 | 99,825.00 | 109,807.00 | 120,787.00 | 503,669.00 ✓ |
| DEBENTURE SALES | | | | | | |
| OTHER | | | | | | |
| | 82,500.00 ✓ | 90,750.00 ✓ | 99,825.00 ✓ | 109,807.00 ✓ | 120,787.00 ✓ | 503,669.00 ✓ |

FOR MUNICIPAL USE ONLY

ADOPTED BY RESOLUTION OF COUNCIL, April 6 19 82

H. Gilmour
Head of Council

M. Elves
Secretary Treasurer

FOR DEPARTMENTAL USE ONLY

APR 13 1982
Date Received

Authorized Signature

AUTHORIZED BY MINISTER OF MUNICIPAL AFFAIRS — JANUARY 1981

# Appendix "A"

# DEVELOPMENT PLAN MAPS

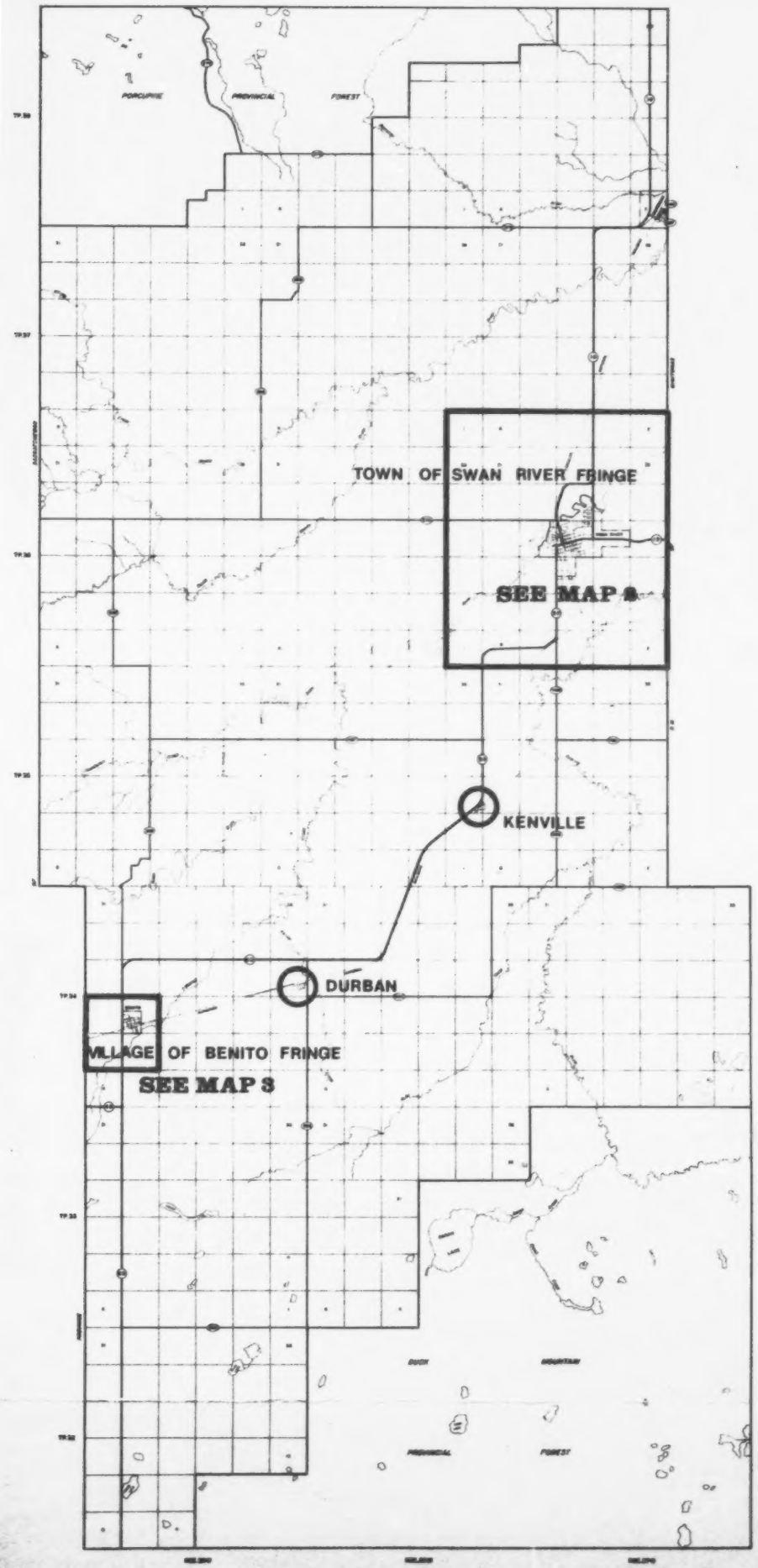
- APPENDIX

## A. DEVELOPMENT PLAN MAPS

The boundaries of the land use classifications shown on Development Plan Maps 1 to 3 for the Rural Municipality of Swan River, the Town of Swan River fringe and Benito fringe should not be construed as being exact. They should be considered primarily as serving the purpose of providing a general spatial relationship among the various land use districts. These maps provide a composite pattern of existing and proposed land uses and should be viewed as the authority in defining land use patterns.

Development Plan Maps 4, 5 and 6 are presented for reference purposes only, in order to supplement by way of additional information, the concerns and policies set out in the previous Parts of the Development Plan. The information contained in these maps should be recognized as being subject to possible changes or revisions (such as updating) by the appropriate authority(s). Development Plan Maps include:

1. Rural Municipality of Swan River - Land Use Classification
2. Fringe of the Town of Swan River - Land Use Classification
3. Fringe of the Village of Benito - Land Use Classification
4. Aggregate Resources In the Rural Municipality of Swan River
5. Wildlife Buffer Zones In the Rural Municipality of Swan River
6. Groundwater Pollution Hazard Areas




# R.M. OF SWAN RIVER LAND USE CLASSIFICATION

**LEGEND**

Agriculture and Rural Development Area

Rural Settlement Centre

**The Rural Municipality of Swan River**

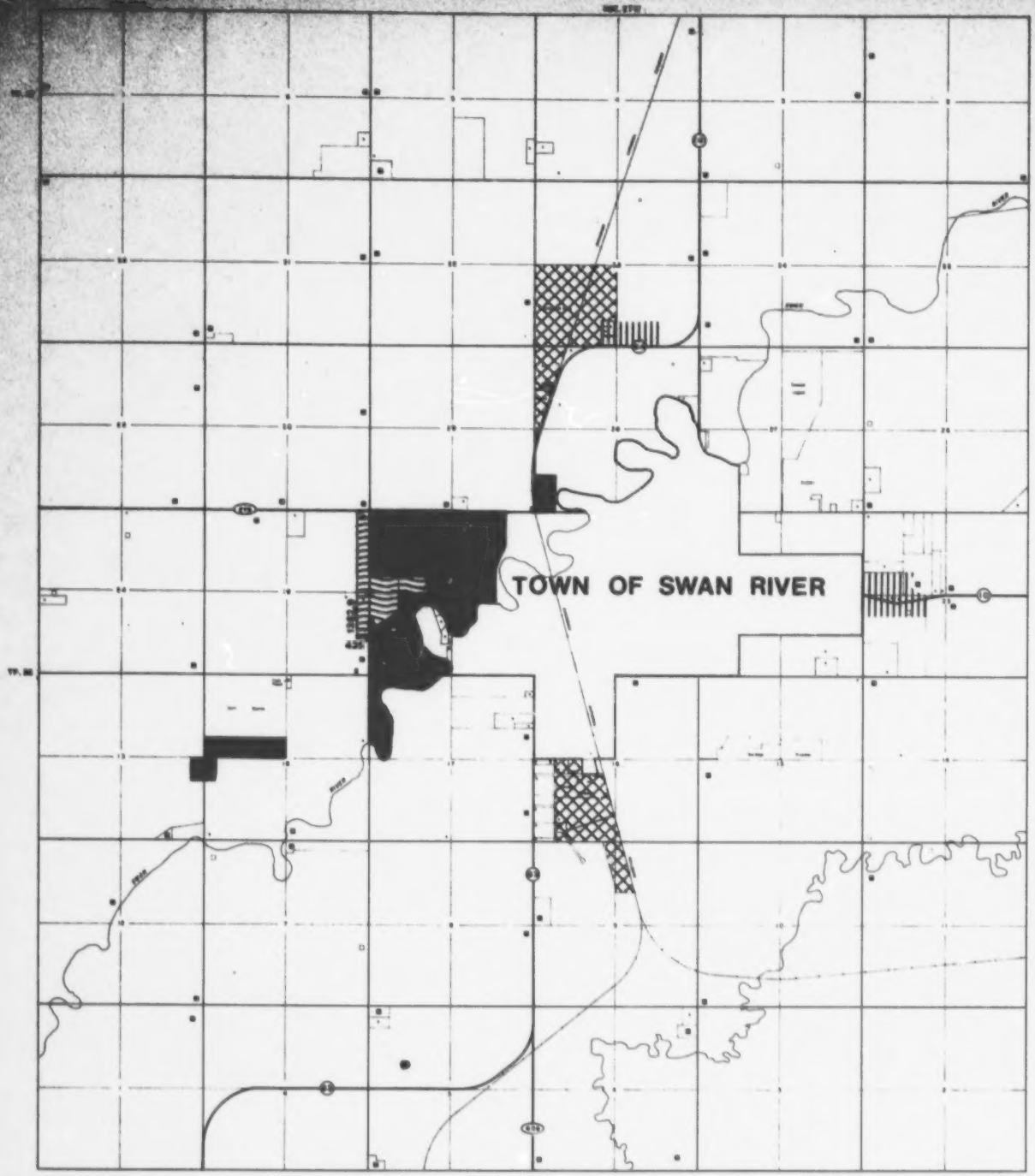
5 1 0 1 2 3 4

Scale in Miles

Province of Manitoba
Department of Municipal Affairs
Municipal Planning Branch
Dauphin Manitoba

**Development Plan**

**Map 1**




# FRINGE OF THE TOWN OF SWAN RIVER LAND USE CLASSIFICATION

**LEGEND**

- Rural Residential 1
- Rural Residential 2
- Industrial
- Highway and Agro-Related Commercial
- Agriculture and Rural Development
- Resident Farm Buildings
- Vacant Farm Buildings
- Taxable Dwelling

## The Rural Municipality of Swan River

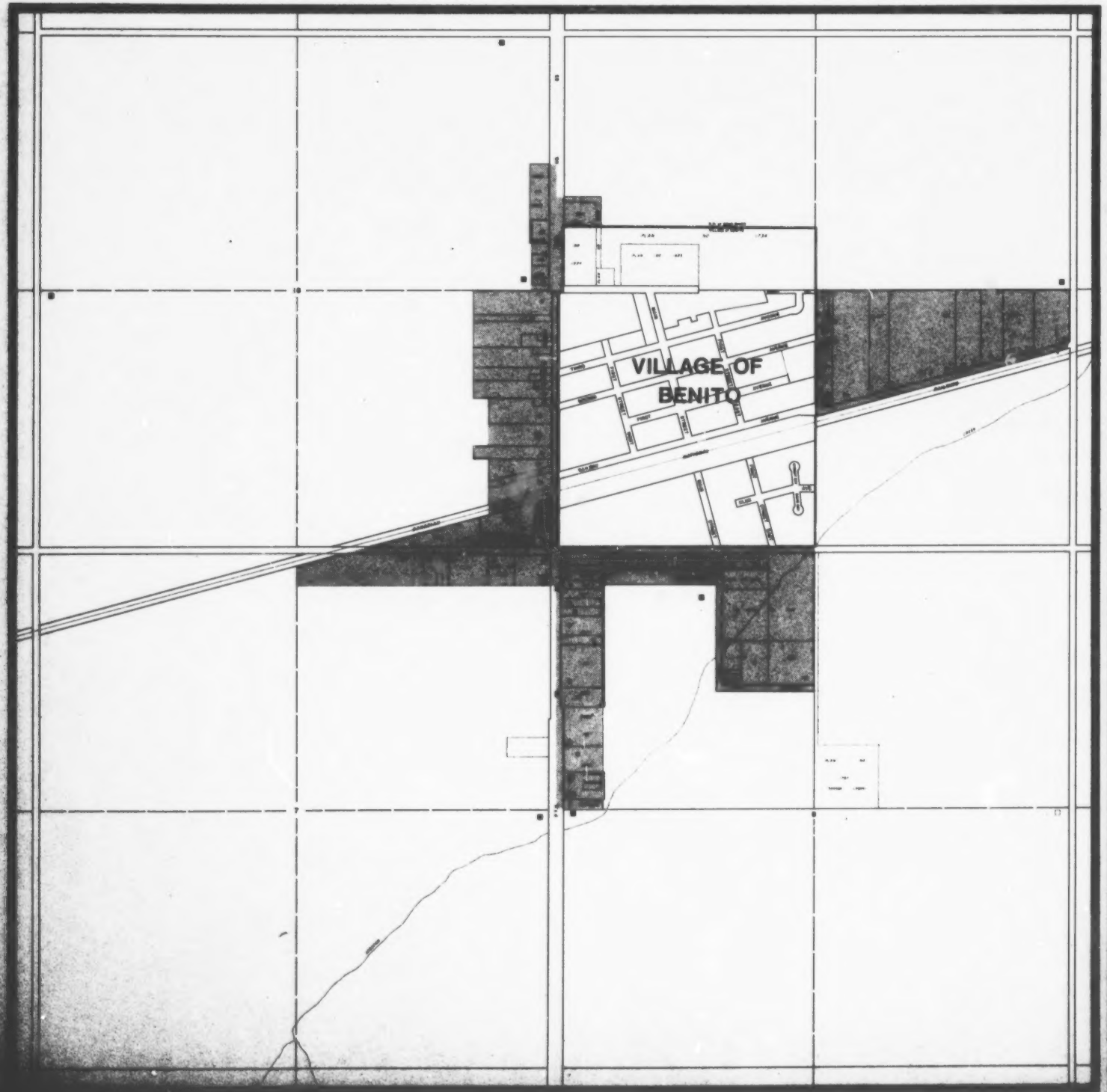
.5 .25 0 .25 .5 .75 1.

Scale in Miles

Province of Manitoba
Department of Municipal Affairs
Municipal Planning Branch
Dauphin Manitoba

## Development Plan

## Map 2




# FRINGE OF THE VILLAGE OF BENITO LAND USE CLASSIFICATION

**LEGEND**

- Residential
- Agriculture and Rural Development
- Resident Farm Buildings
- Vacant Farm Buildings
- Taxable Dwelling
- Vacant Dwelling

## The Rural Municipality of Swan River

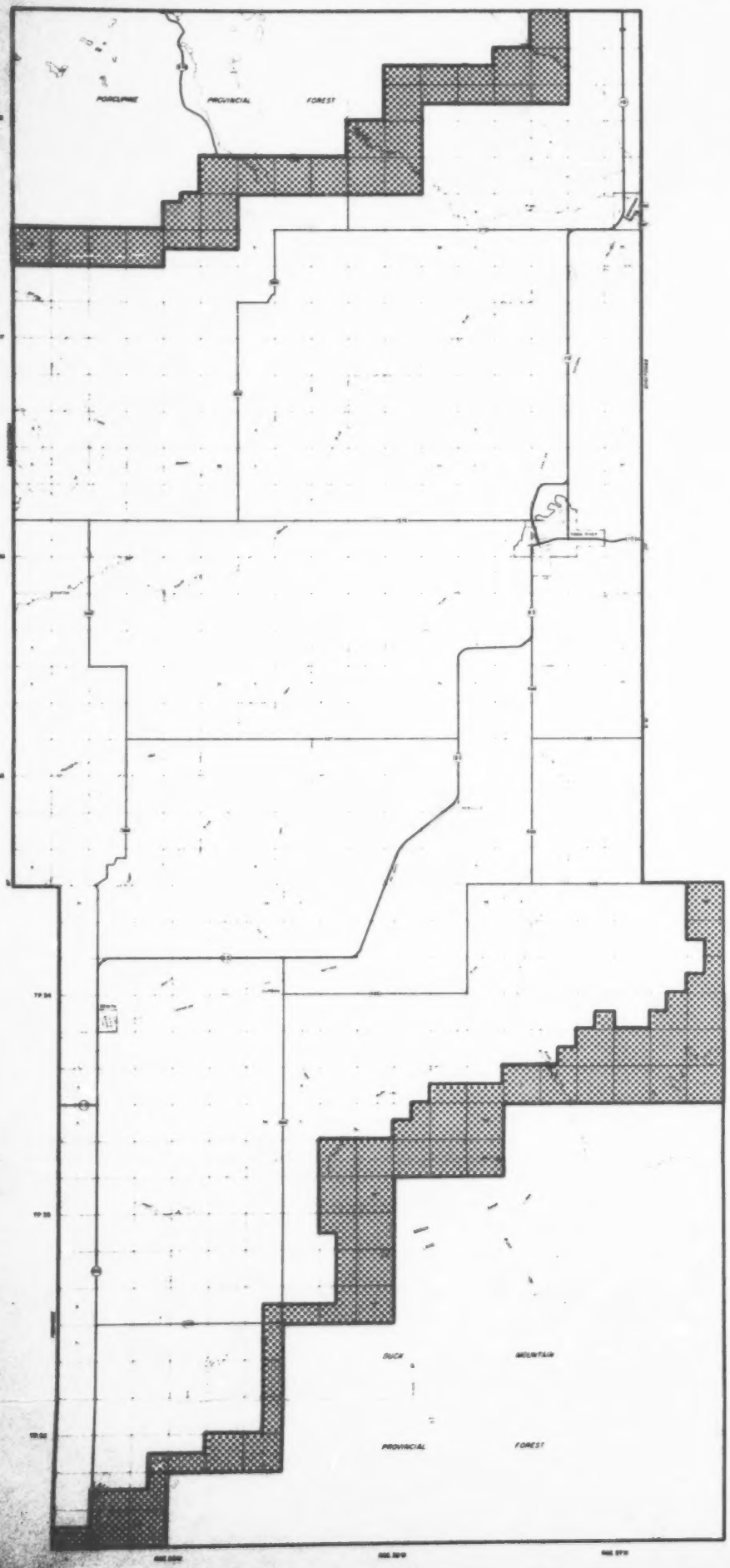
0 1/8 1/4 3/8

Scale in Miles

Province of Manitoba
Department of Municipal Affairs
Municipal Planning Branch
Dauphin Manitoba

**Development Plan**

**Map 3**




# WILDLIFE BUFFER ZONES

**LEGEND**

Wildlife Buffer Zone
(Major Wintering Areas)

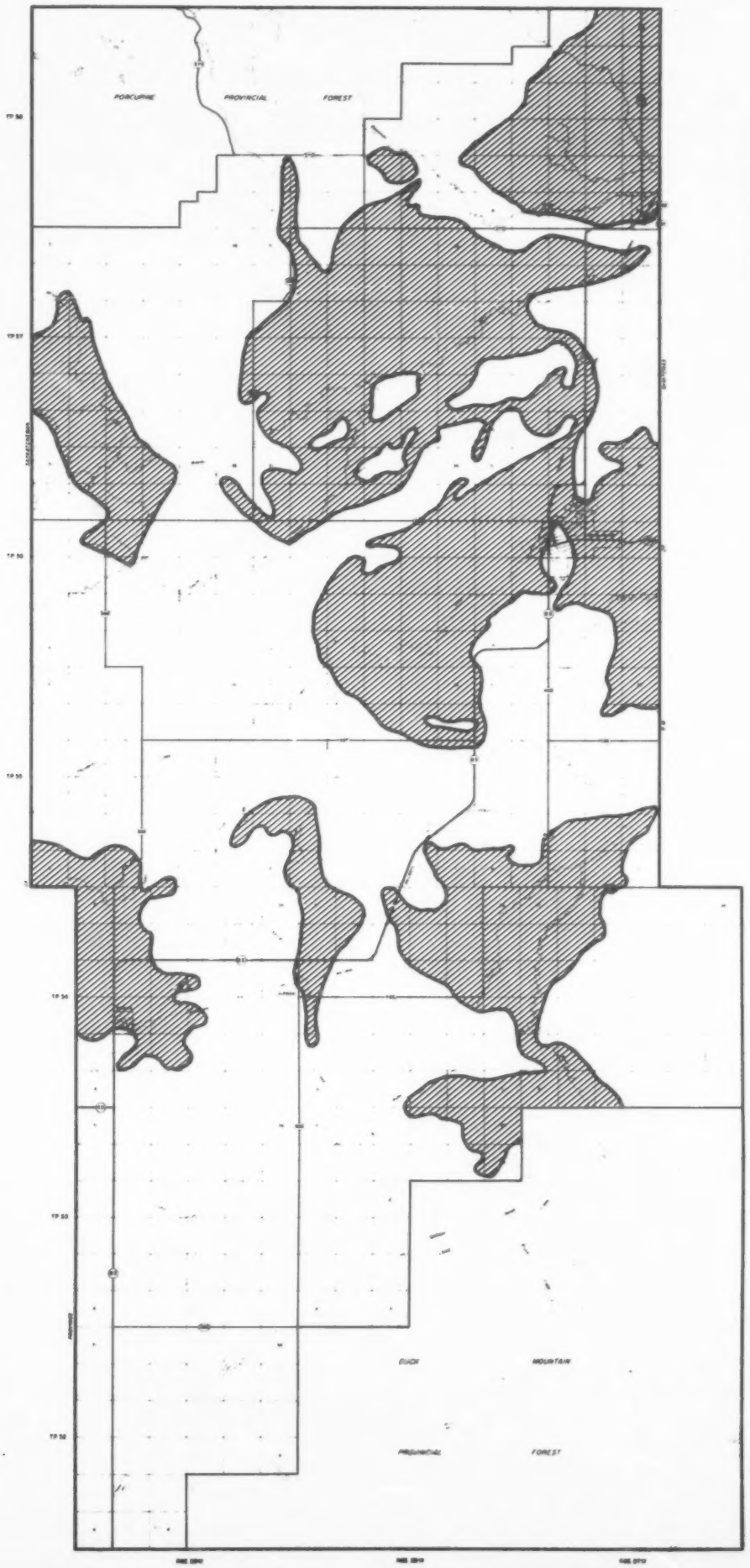
Source–Department of Natural Resources

## The Rural Municipality of Swan River

2 1 0 1 2 3 4
Scale in Miles

Province of Manitoba
Department of Municipal Affairs
Municipal Planning Branch
Dauphin Manitoba

## Development Plan Map 5




# GROUNDWATER POLLUTION HAZARD AREAS

**LEGEND**

Groundwater Pollution Hazard Area

Source–Department of Natural Resources

## The Rural Municipality of Swan River

2 1 0 1 2 3 4

Scale in Miles

Province of Manitoba
Department of Municipal Affairs
Municipal Planning Branch
Dauphin Manitoba

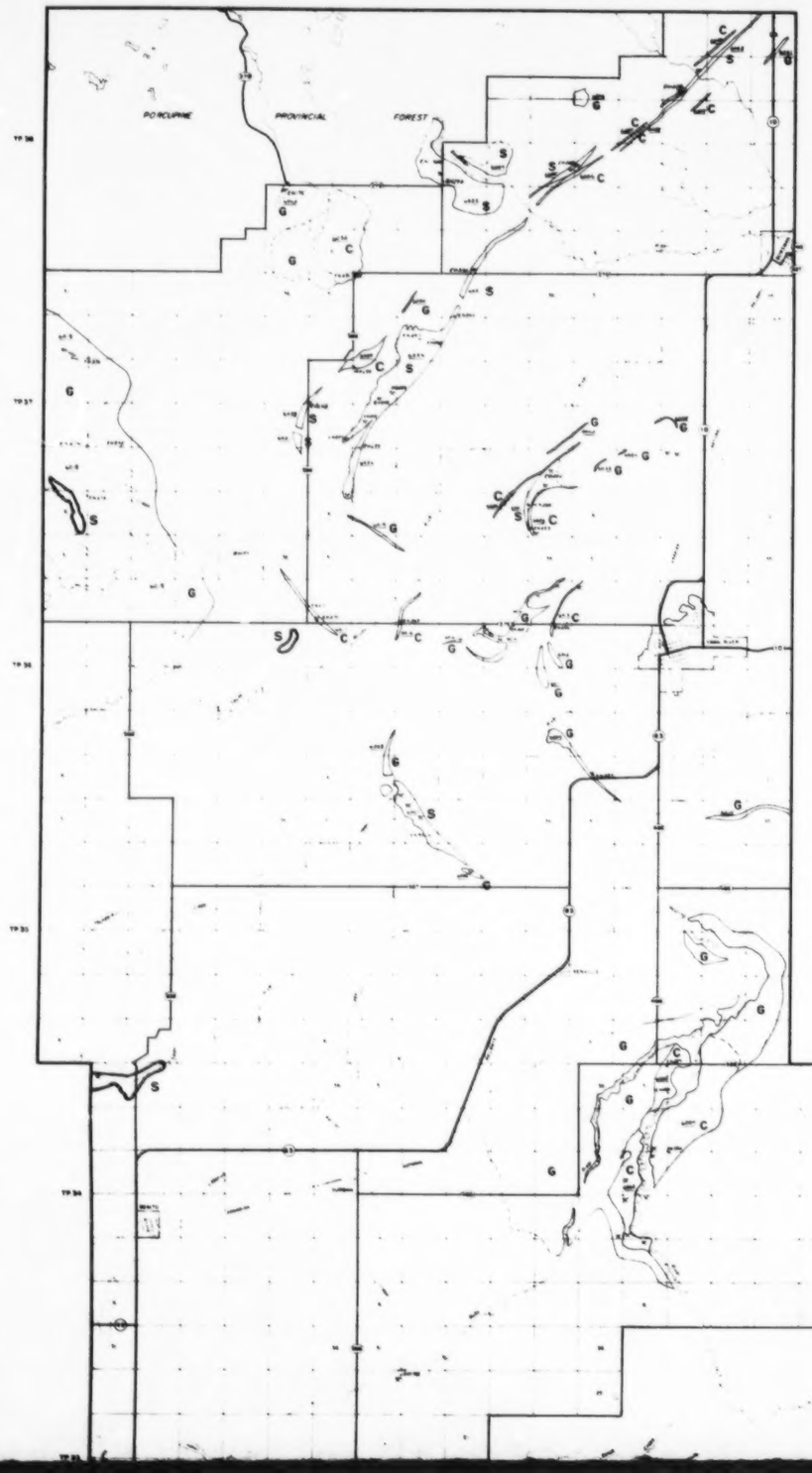
## Development Plan Map 6

# Appendix "B"

# CROWN LAND USE CLASSIFICATION PLAN

B. CROWN LAND USE CLASSIFICATION PLAN

(NOTE: The Crown Land Use Classification Plan applies only to Crown Lands in the Municipality, the jurisdiction of which remains the responsibility of the Manitoba Government. Crown Lands once sold shall fall under the requirements of the Rural Municipality of Swan River Development Plan. This Appendix is intended only for reference and does not form part of the Rural Municipality of Swan River Development Plan).




# AGGREGATE RESOURCES

## LEGEND

**Recommended Development Status**

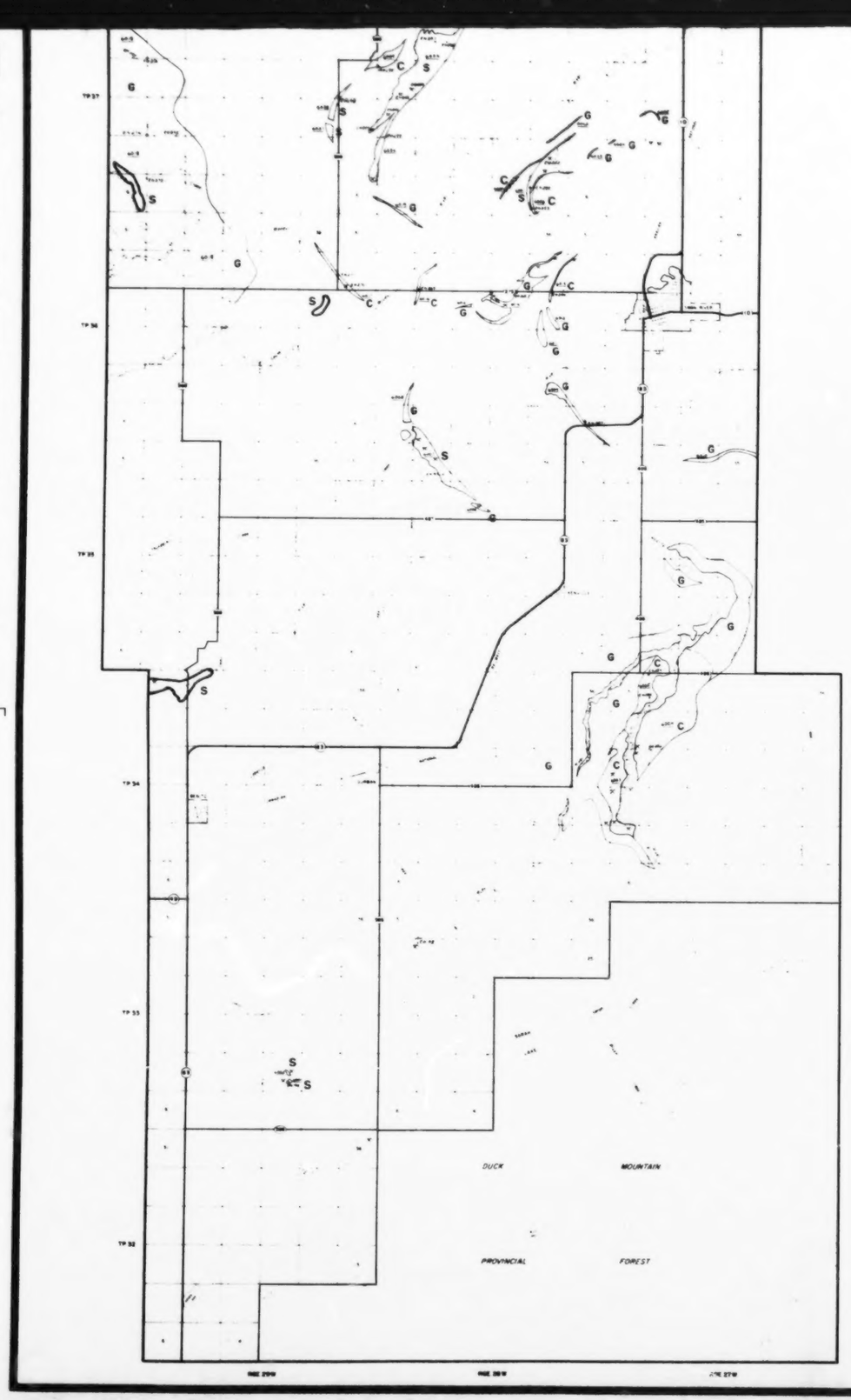
- S — Stop
- C — Caution
- G — Go
- Sand and Gravel Deposit
- 6012 — Deposit Number
- EN259 — Exposure Number
- Quarry

Source – Department of Energy and Mines
– Department of Highways

## The Rural Municipality of Swan River

2 1 0 1 2 3 4
Scale in Miles

Province of Manitoba
Department of Municipal Affairs
Municipal Planning Branch




## LEGEND

**Recommended Development Status**

- S — Stop
- C — Caution
- G — Go

Sand and Gravel Deposit

6012 Deposit Number

EN259 Exposure Number

Quarry

Source – Department of Energy and Mines
– Department of Highways

# The Rural Municipality of Swan River

2 1 0 1 2 3 4
Scale in Miles

Province of Manitoba
Department of Municipal Affairs
Municipal Planning Branch
Dauphin Manitoba

## Development Plan
## Map 4